

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:20-CV-00686-M

STATE FARM LIFE INSURANCE)	
COMPANY,)	
Plaintiff,)	
)	
v.)	ORDER
)	
KATHLEEN CULL and KRISTA)	
MOSLEY, <i>as parent and guardian of K.C.</i> ,)	
<i>a minor</i> ,)	
Defendants.)	

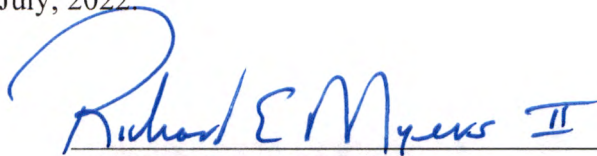
This matter comes before the court on Defendant Krista Mosley's, as parent and guardian of K.C., a minor, (Defendant Mosley) Motion for Distribution of Funds from Interpleader Deposit [DE 28]. The applicable interpleader funds, proceeds from State Farm life insurance policy no. LF-2587-6753 (the Policy), were deposited with the Clerk of Court in January 2021. *See* DE 11, DE 27 at 3. Plaintiff's interpleader complaint [DE 1] states that both Defendant Mosley and Defendant Kathleen Cull (Defendant Cull) claimed entitlement to the proceeds. *See* DE 1 ¶¶ 23–35. Mosley filed an answer asserting entitlement to the proceeds as the beneficiary of the Policy. *See* DE 20 at 3–4. Defendant Cull has failed to appear, plead, or otherwise defend the above-captioned matter and remains in default. *See* DE 18. With Defendant Mosley's consent, Plaintiff moved for discharge from the action, an injunction against future claims related to the Policy, and \$2,500 in attorneys' fees from the amount deposited. *See* DE 24. The court granted this motion. *See* DE 27.

Defendant Mosley's counsel filed an affidavit of service, averring that Defendant Cull was served with a copy of the instant motion in October 2021. *See* DE 30. Defendant Cull has not moved to set aside the default, the time for responding to Defendant Mosley's motion has passed,

and no opposition has been filed. Thus, the court deems Defendant Mosley's motion for distribution of funds [DE 28] unopposed.

Defendant Mosley's unopposed motion [DE 28] is GRANTED, and K.C. will be awarded the remaining funds held in the registry in this matter as the beneficiary of the Policy. Counsel for Defendant Mosley is DIRECTED to file on the docket a notice on or before August 10, 2022 identifying (1) the account to which a check should be made payable and (2) the address to which the check should be mailed. Upon receipt of such notice, the Clerk of Court is DIRECTED to issue and transmit a check for the remaining funds held in the registry in this matter as set forth in the notice. Should no such notice be filed on or before August 10, 2022, the Clerk of Court is DIRECTED to issue a check for the remaining funds held in the registry in this matter to the order of Envisage Law for the benefit of K.C. and mail it to the same at 260 Oberlin Road, Suite 100, Raleigh, North Carolina 27608. Upon disbursement, all issues in this action shall have been resolved and the Clerk of Court is DIRECTED to close the case.

SO ORDERED this 11th day of July, 2022



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE